

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

SEAN SMITH and CRYSTAL SMITH,)
)
Plaintiffs,)
)
v.) Case No.: CIV-17-1302-D
)
CSAA FIRE AND CASUALTY)
INSURANCE COMPANY,)
)
Defendant.)

DEFENDANT'S FINAL WITNESS AND EXHIBIT LIST

Pursuant to the Scheduling Order entered in this case on August 27, 2018 [Doc. No. 29], Defendant, CSAA Fire and Casualty Insurance Company submits its Final Witness and Exhibit Lists.¹

WITNESS LIST

| NO. | NAME & ADDRESS | PROPOSED TESTIMONY |
|-----|--|--|
| 1. | Sean Smith c/o MANSELL ENGEL & COLE 204 North Robinson Avenue, 21 st Floor Oklahoma City, Oklahoma 73102 | Deposed; facts relating to the damage to Plaintiffs' home, purchase of insurance, inspections of property, repairs, delayed notice, and all relevant issues relating to Plaintiffs' claim. |

¹CSAA contemplates filing a motion for partial summary judgment with respect to Plaintiffs' bad faith claim. CSAA contends that, in the event its motion for partial summary judgment is granted and/or that Plaintiffs' bad faith claim does not survive CSAA's motion for partial summary judgment, the exhibits listed herein, with the exception of the insurance policy, are not admissible at trial. CSAA has listed miscellaneous documents above out of an abundance of caution in the event Plaintiffs' bad faith claim survives CSAA's motion for partial summary judgment.

| NO. | NAME & ADDRESS | PROPOSED TESTIMONY |
|------------|---|---|
| 2. | Crystal Smith c/o MANSELL ENGEL & COLE 204 North Robinson Avenue, 21 st Floor Oklahoma City, Oklahoma 73102 | Deposed; facts relating to the damage to Plaintiffs' home, purchase of insurance, inspections of property, repairs, delayed notice, and all relevant issues relating to Plaintiffs' claim. |
| 3. | Lisa Holliday Rimkus Engineer c/o Matt Felty, Esquire LYTLE SOULE & COURLEE, PC Robinson Renaissance Building 119 North Robinson, Suite 1200 Oklahoma City, Oklahoma 73102 | Deposed; her inspection, estimate, photographs, and report to CSAA; her experience and knowledge regarding earthquakes. |
| 4. | Chad White Heckman c/o Gerard F. Pignato, Esquire ROBERSON, KOLKER, COOPER & GOERES, P.C. Robinson Renaissance Building 119 North Robinson Avenue, 11 th Floor Oklahoma City, Oklahoma 73102 | Deposed; handling and denial of Plaintiffs' claim, investigation of Plaintiffs' claim, insurance coverage issues. |
| 5. | Cindi Miles 9101 College Avenue Guthrie, Oklahoma 73044 | To testify as a claim-handling expert. Will testify regarding CSAA's investigation and handling of Plaintiffs' claim, standards in the industry, and reasonableness of CSAA's investigation, handling, and denial of Plaintiffs' claim. |
| 6. | J. Stephen Ford, PhD., P.E. ZFI Engineering Company 8411 South Walker Avenue Oklahoma City, Oklahoma 73139 | Deposed; his report, inspection, estimate, and photographs of the condition of Plaintiffs' home. |
| 7. | Tim France Rimkus Engineer c/o Matt Felty, Esquire LYTLE SOULE & COURLEE, PC Robinson Renaissance Building 119 North Robinson, Suite 1200 Oklahoma City, Oklahoma 73102 | To be deposed; his inspection, supervision and training of Lisa Holliday, report of inspection of Plaintiffs' home, engineering experience and qualifications. |

| NO. | NAME & ADDRESS | PROPOSED TESTIMONY |
|------------|---|---|
| 8. | Sonnie Maughan Office Manager for Rimkus c/o Matt Felty, Esquire LYTLE SOULE & COURLEE, PC Robinson Renaissance Building 119 North Robinson, Suite 1200 Oklahoma City, Oklahoma 73102 | Statements made by Plaintiffs at the inspection by Lisa Holliday and Tim France. |
| 9. | CSAA Rule 30(b)(6) witnesses to be deposed by Plaintiffs | Designated representatives of CSAA to testify on subjects specified in Plaintiffs' Rule 30(b)(6) Deposition Notice. These witnesses have not yet been identified. |
| 10. | All Witnesses listed by Plaintiffs unless objected to by Defendant. | |

EXHIBIT LIST

| NO. | TITLE/DESCRIPTION |
|------------|---|
| 1. | Certified copy of the insurance policy issued to Plaintiffs by CSAA. |
| 2. | CSAA's claim file, including the report of Lisa Holliday. |
| 3. | Documents obtained by Plaintiffs' Subpoena <i>Duces Tecum</i> , unless objected to by this Defendant. |
| 4. | Documents produced by Plaintiff during the course of this litigation, unless objected to by this Defendant. |
| 5. | Photographs taken by Steven Ford of Plaintiffs' home. |
| 6. | CVs and reports of the expert witnesses identified by CSAA on its Final Witness List. |
| 7. | All depositions and deposition exhibits, unless objected to by this Defendant. |
| 8. | All exhibits listed by Plaintiffs unless objected to by this Defendant. |

Respectfully submitted,

s/Gerard F. Pignato

Gerard F. Pignato, OBA No. 11473

R. Greg Andrews, OBA No. 19037

Dixie A. Craven, OBA No. 31528

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**ATTORNEYS FOR DEFENDANT, CSAA
FIRE AND CASUALTY INSURANCE
COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Steven S. Mansell, Esquire

Mark A. Engel, Esquire

Kenneth G. Cole, Esquire

M. Adam Engel, Esquire

s/ Gerard F. Pignato

For the Firm